

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERNEST EUGENE SEE,	:	CIVIL ACTION NO. 1:06-CV-2475
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
TIMOTHY FINK, CHARLES SLEEGER, and YORK FAIR AND EXPO,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of January, 2009, upon consideration of the praecipe to end and discontinue (Doc. 48) filed by plaintiff, which represents that all claims against defendants Charles Sleeper and York Fair and Expo have been amicably resolved and requests dismissal of these defendants, and it appearing that none of the defendants have signed the praecipe, it is hereby ORDERED that:

1. The praecipe (Doc. 48) is CONSTRUED as a motion to dismiss defendants Charles Sleeper and York Fair and Expo under Rule 41(a)(2) of the Federal Rules of Civil Procedure and is GRANTED as so construed. See Fed. R. Civ. P. 41(a)(1)-(2) (stating that, following service of an answer or a motion for summary judgment, the plaintiff may dismiss a defendant only by filing a stipulation of dismissal signed by all parties or by seeking leave of court). The dismissal shall be with prejudice.
2. The motion for summary judgment (Doc. 34) of defendants Charles Sleeper and York Fair and Expo is DENIED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge